

Senate Bill 347

By: Senators James of the 35th, Jones of the 10th, Harbison of the 15th, Henson of the 41st and Butler of the 55th

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 9 of Title 35 of the Official Code of Georgia Annotated, relating to special policemen, so as to establish reserve auxiliary police forces; to require the creation of reserve auxiliary police force lists by local governing authorities; to provide for the discretionary use of auxiliary police officers and the training of auxiliary police officers prior to performing certain police activities on behalf of local law enforcement agencies; to provide for definitions; to provide for penalties for impersonating an auxiliary police officer; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 9 of Title 35 of the Official Code of Georgia Annotated, relating to special policemen, is amended by designating the existing Code sections in Chapter 9 as Article 1 and adding a new article to read as follows:

"ARTICLE 2

35-9-30.

As used in this article, the term 'local law enforcement agency' means a sheriff's department, a municipal or county police department, or a combined local government police department.

35-9-31.

(a) Each local law enforcement agency shall recruit in sufficient number auxiliary police reserves who have met the minimum qualifications of this Code section and who stand ready, willing, and able to provide auxiliary police services in the event of a state of emergency or serious local crises.

(b) The name, date of birth, social security number, and contact information of each auxiliary police officer shall be maintained and updated annually by the local law enforcement agency. Whenever a person appointed as an auxiliary police officer shall change his or her residence, he or she shall immediately give notice of his or her new address to the employing local law enforcement agency.

(c) No person shall be appointed an auxiliary police officer unless he or she:

(1) Is a citizen of the United States;

(2) Is 21 years of age or older;

(3) Has good moral character, including not having been convicted of a misdemeanor offense within the previous five years, never having been convicted of a series of misdemeanors demonstrating poor moral character, and never having been committed to a mental hospital or similar institution; and

(4) Has not previously been convicted of a felony.

For purposes of this subsection a plea of nolo contendere or first offender, regardless of an adjudication of guilt, shall be considered a conviction.

(d) An auxiliary police officer shall have the power of a peace officer, including the power of arrest, but only when assigned to active duty by the chief executive officer of his or her employing local law enforcement agency as authorized in this article. In addition, an auxiliary police officer's authority to act as a peace officer shall be limited by his or her specifically assigned duties and the rules and regulations of his or her employing law enforcement agency. Each person appointed as an auxiliary police officer may exercise the powers of a peace officer, but only within the jurisdiction of the employing local law enforcement agency and only in such location prescribed by such agency, unless otherwise requested by another law enforcement agency with the approval of the employing law enforcement agency.

(e) Each person appointed under this Code section, within 15 days after his or her appointment has been issued and before entering upon the duties of his or her office, shall take and subscribe the oath prescribed by Code Section 45-3-1 and file it in the office of the employing local law enforcement agency.

35-9-32.

(a) An auxiliary police officer may be assigned to emergency active duty in the event of a declared state of emergency, during an imminent or actual attack by enemy forces, or a period of emergency caused by a natural or manmade disaster.

(b) An auxiliary police officer may be assigned to perform routine duties as follows:

(1) Direct vehicular traffic at accidents, inoperative traffic lights, parades, fairs, and special or school events;

(2) Crowd control at special events;

(3) Neighborhood patrols in marked and unmarked patrol cars for the purpose of observing and reporting possible ongoing criminal activity, and detecting and reporting accidents;

(4) Aid in the search of missing persons and emergency rescues;

(5) Patrol trains, train stations, subway stations, and bus terminals, for the purpose of maintaining a higher level of police presence and observing and reporting criminal activity; and

(6) Issue parking tickets, tickets for handicap parking violations, and other minor traffic violations; and

(7) Perform administrative clerical work for a local law enforcement agency.

(c) When on duty, an auxiliary police officer shall be in uniform. The uniform shall include the name of the auxiliary police officer's employing local law enforcement agency. When on duty, an auxiliary police officer shall also wear a metallic badge upon which shall be inscribed the words 'auxiliary police.'

35-9-33.

Before any auxiliary police officer is assigned to any routine duty authorized by subsection (b) of Code Section 35-9-32, such officer shall be required to successfully complete an 80 hour training program prescribed by the Georgia Peace Officer Standards and Training Council. The course of instruction shall include, but not be limited to, instruction in preservation of evidence, criminal law, self-defense, basic first aid, use of force, and crowd psychology. In addition, any auxiliary police officer assigned to routine duty who is authorized to carry a weapon, shall be trained and, where required for certified peace officers, certified in the use of such weapon. The minimum training required by this Code section shall not be required for auxiliary police officers assigned to emergency active duty pursuant to subsection (a) of Code Section 35-9-32.

35-9-34.

(a) The compensation, if any, of an auxiliary police officer shall be fixed in such amount as may be agreed upon between him or her and the employing local law enforcement agency; and the latter shall be liable for the payment thereof. Each person appointed as an auxiliary police officer under this article shall for all purposes be deemed to be an employee of the local law enforcement agency.

(b) The appointment of an auxiliary police officer under this article shall terminate and his or her authority thereunder shall cease whenever the employing local law enforcement agency provides notice that his or her services are no longer required.

(c) Neither this state nor any political subdivision of this state nor any department, officer, board, bureau, or other agency of either the state or any political subdivision thereof shall be liable or accountable in any way for or on account of the appointment of any auxiliary police officer or on account of any act or omission on the part of any auxiliary police officer in connection with his or her powers and duties under this article.

(d) Any person knowing of the revocation of his or her appointment as an auxiliary police officer having in any manner received notice thereof who exercises or attempts to exercise any of the powers of an auxiliary police officer shall be guilty of impersonating a public officer or employee in violation of Code Section 16-10-23.

(e) Chapter 8 of Title 35, known as the 'Georgia Peace Officer Standards and Training Act' shall not apply to auxiliary police officers appointed pursuant to this Code section."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.